(1) பக்கங்களின் எண்ணிக்கை ______________________

(2) புதுக்கித் திருப்பிய நாள் ______________________

(3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம் ______________________

தமிழ்நாடு ஆவணக் காப்பகம்

தமிழ்நாடு அரசு

______________________ துறை

அரசாணை எண். ______________ அச்சகம்

பலவகை

மு. கோப்புத் தாள் எண்.

நாள்: 20 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

ஆவண. கா. 1–182–2–20,000 Cps.–15–11–2019 [HCL-11]

PUBLIC WORKS (1902) Department.

R.I.C.f.

CURRENT No. 3874 (910)

R.5+ Ind

FROM

THE REVENUE DEPARTMENT.

B
Order
No. 473 I.&. 18. April 1902

Communicated to the Officers concerned for information

Issue

For the Chief Engr for Irrign
" Supg: Engr 6th Circle

Despd 10/4th

Atw 11/4/02

D.I.

11-4-02

No. 992 Mis / Confol no. 67

Dated 9th April 1902. 190 .

Enclosures

Received 190 .

Registered 11.4.2 190

SUBJECT.

Informing the Board of Revenue that the question of getting outside Engineering Evidence in connection with the Peranai suit has been considered by the Advocate-Genl. in consultation with the Chief Engineer and that there is no intention of obtaining Mr Higham's evidence nor of citing expert professional evidence from Enągland.

BACK PAPERS.

FURTHER PAPERS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue, Land Revenue, Mis. No.582/Confdl. No.58, dated 11th February 1902:-

Read the following letter from the Collector of Madura Ref. on C. No.1508/Genl. dated 7th February 1902:-

copy attached I have the honour to submit copy of confidential letter x without date but received yesterday from the Executive Engineer, Madura, regarding the suit brought by Mr.Fischer and others against the Secretary of State.

2. The present position of this suit is as follows. It is fixed for hearing before the Sub Court, Madura West, on 26th instant, but the District Judge has issued notice to the parties to show cause why he should not call up the suit to his file. The matter is to come before the District Court on the 14th instant, and there is, in my opinion, little doubt but that the District Judge will take the case on to his file .

3. If he does so, it is unlikely that the hearing of the suit will come on before October next. The District Judge is said to have directed both sides to report the number of witnesses they propose to call, and to give a list of the Commissions proposed to be issued. The Commissions will include some for examination of witnesses in Europe, and the District Court will not commence the hearing till these Commissions are returned.

4. The plaintiffs have applied for copies of some of the documents filed on behalf of Government, and as there are

several

several thousands of these docum[torn] they ca[torn] any adjournment they like by increasing the number of copies applied for. In any case the case cannot come on for hearing on 26th instant as the copies already applied for would not be ready.

5. The Advocate-General has written to me that the Government is much averse to an adjournment over the recess, which begins about the end of April next, but in view of the action of the District Court above reported, I do not think there is much chance of such adjournment being avoided.

6. The object of the Executive Engineer's letter is to suggest that arrangements should be made to secure the attendance of Mr.Higham as an expert witness on behalf of Government at the hearing in April, July or October, whichever is the date ultimately arrived at. The quantity of water passed over the Peranai and Chittanai anikats before the introduction of the Periyar scheme and since is to be ascertained by the use of certain formulae for calculating the rapidity of approach &c. Tables of calculations have from time to time been drawn up by various Executive Engineers and are public property. About the year 1896, the formula in use was revised by the then Superintending Engineer, and all calculations since made are based on the revised formula, which shows about 37 per cent. difference in the amount of water passed down from what was ascertained by the formula in use prior to 1896. If the plaintiffs put in the published tables of calculations made on the formula in force before 1896, they will be able to show, on the authority of Government's own officers, that about 37 per cent. more water was then passed down the river than the Public Works Department now believes was actually passed. The Executive Engineer therefore considers it very important to call an expert of high position and authority to prove that the formula on which the calculations prior to 1896 were made is out of date and unreliable, and that the progress of hydraulic science has made it certain that the figures arrived at by

the

ION.-

Submitted to Government for information in con-
ion of Board's Proceedings No.582/Confdl. No.58 dated
ebruary 1902.

(True extract)

Sd/ Lionel Davidson,

Secretary.

Secretary to Government, Revenue Dept.,

with the Collector's letter.

DER thereon Mis.No.992/Confl.No 67, Rev., d/9th April 1902.

The Board of Revenue will be informed that the question
etting outside Engineering evidence in connection with the
has been considered by the Advocate-General in consulta-
with the Chief Engineer, Public Works Department, and that
e is no intention of obtaining Mr.Higham's evidence nor of
ng expert professional evidence from England.

(True extract)

[signature]

Secretary to Government.

the Board of Revenue, Land Revenue,

with 3 encls.

y to the Public Works Department. ✓

the Executive Engineer in years previous to 1896 must
corrected. He suggests that Mr Higham would be the bes
for the purpose, and if the consent of the Government
India can be obtained, there is no doubt that he is rig

7. The evidence to be given from the Public Works si
as to the quantity of water passed over the anikats i
together a separate matter from the evidence collecte
the Revenue Department as to the actual extent of irr
before and since the arrival of Periyar water. I belie
the Advocate-General considers it desirable that there
be direct evidence as to the former, as well as to the la

R E S O L U T I O N .-

Submitted for the orders of Government.

(True extract).

Sd/ Lionel Davidson,
Secretary.

To

The Secretary to Government, Revenue Dept.,
With Collector's letter and encl. in original.

Read also the following Proceedings of the Boa
of Revenue, Land Revenue, Mis. No.679 dated 18th Februar
1902, on the following letter from the Collector of Madu
dated 14th February 1902, Ref. on C.No.1508/G1.:-

In continuation of my No. Reference on Current
1508/G1. dated the 7th instant, I have the honour to repo
that the District Judge has this day decided to allow the
Peranai suit to remain on the file of the Sub-Court, Madu
West.

2. A date for hearing in April will therefore be applied for.

RESOLUTION

Copy of communication (Confdl.) from H.T.Keeling
Executive Engineer, Madura to the Collector of Madur

I write to inform you that the Govt. Pleader Madura M.R.Ry.M.S.Narayanasawmi Aiyar, Rao Bahadur, w examined the Public Works records in the Peranai suit, told me that in his opinion it is necessary to call ex evidence on Govt's behalf. In this opinion I concur. W the Chief Engineer for Irrigation Col.A.W.Smart R.E. wa here with the Irrigation Commission I informed him of t position of affairs and on this point in particular.

2. As regards the expert or experts who can be cons I know of no better or higher authority than Mr T. High C.I.E. It is desirable that whoever is consulted by Gov should have no connection with this Presidency so that prejudice in the Madras Govt's favour may be urged agai his evidence. It will be necessary for whoever is consu to make a visit of inspection. I think that he would pr bably require two months in which to make his inspectio and examine the records. A first inspection should be ma just before the sluice at Thekkady is opened and the ri seen without the Periyar water. The return journey or ir tion would show the condition with the Periyar water flc ing.

9.4-02

) Departm

CURRENT No. 9169

FROM

THE REVENUE DEPARTMENT.

W.E.E.

No. 1032 I dated 3 Septr 1902

Order B

Communicated to the officers concerned.

Issue

To, The Chief Engr for Irrign ✓ 1/9 amd 1/9/02
" S.E. 6th Circle ✓
" Executive Engineer, Madura Dn ✓ desp 3/9/2

LR. No. 787
1.9.02 Confl: No. 146.
Dated 29th August 1902

Received } 3/9/02

Enclosures 2

Registered } 12/9/02

SUBJECT.

Requesting the Advocate-Genl: to ... on behalf of Govt. in the Sub-Judge's Co... Madura West, on 10th Septr. 1902 & to ... the Perani injunction application.

BACK PAPERS.

FURTHER PAPERS.

GOVERNMENT OF MADRAS
REVENUE DEPARTMENT

PROCEEDINGS OF THE MADRAS GOVERNMENT.

X Copy attached.

Read letter from the Collector of Madura, Ref. on C.No.2603/G. of 1902, dated 22nd August 1902.

ORDER thereon No.787/Confdl. No.146, Rev., d/29th August 1902

The papers read above will be communicated to the Advocate-General, who will be requested to appear on behalf of the Government in the Court of the Sub-Judge, Madura West, on the 10th September next and oppose the petition for an injunction. The Collector and the Executive Engineer will arrange to render the Advocate-General all necessary information and assistance.

(True extract)

M Hammick

Ag. Secretary to Government.

To the Hon'ble the Advocate-General, with papers.

,, Collector of Madura.

,, Public Works Department (Irrigation)

,, Board of Revenue, Revenue Settlement.

Copy to the Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

---

x Copy attached.

x Read letter from the Collector of Madura, Ref. C.No.2603/G. of 1902, dated 22nd August 1902.

ORDER thereon No.727/Confdl. No.146, Rev., d/29th August

The papers read above will be communicated to the Advocate-General, who will be requested to appear on behalf of Government in the Court of the Sub-Judge, Madura West, on 10th September next and oppose the petition for an injunction. The Collector and the Executive Engineer will arrange to furnish the Advocate-General all necessary information and assistance.

(True extract)

[signature]

Ag. Secretary to Government.

To the Hon'ble the Advocate-General, with papers.

" Collector of Madura.

" Public Works Department (Irrigation)

" Board of Revenue, Revenue Settlement.

Copy to the Judicial Department.

Copy of letter from the Collector of Madura, Ref. C.No.2603/G1. dated 22nd August 1902.-

Adverting to G.O. No.453/Confl. No.86, Revenue, da 23rd May 1902, I have the honour to forward herewith a cop a petition presented by the plaintiff in O.S. No.22 of 1901 (Peranai suit) to the Sub Court, Madura West, for the issue a temporary injunction restraining (Government) from procee with the new works now under execution at the Peranai Dam. T petition was at first posted for hearing on the 15th instant and the local acting Government Pleader was therefore instru to apply for an adjournment of the hearing of the petition f a month. The Sub-Judge has granted an adjournment until the 10th September next but has at the same time passed an ad in rim order prohibiting the further progress of the works unti the disposal of the petition.

2. Upon the receipt of notice of petition the Executive Engineer was communicated with and a copy of his letter No.1 dated 15th August 1902, is herewith enclosed. From this letter it appears that the ad interim injunction granted by the Sub-Judge is not a matter of any importance, as the works would, any case, have been stopped this month, but the grant of an in junction pending disposal of the suit may mean a long delay in the execution of the important works for preventing the siltin of the main channel and I therefore consider that the petition should be opposed on the 10th proximo. It may be contended th the present works do not form the subject matter of the prese suit and therefore no injunction can lie under section 492 C.P.C. The points taken in the Executive Engineer's letter ma also be pressed on the Court. I request very early orders of Government as to whether the petition should be opposed and b whom.

3. The local Ag. Government Pleader has applied for a co of the order and as soon as it is received from him it will b submitted.

the Executive Engineer, Madura Division, to the Collector of Mad

----

Reference:- Your reference on C. No. 2518/G. of 1902 dated 1
August 1902.

In reply to your letter of the 12th instant, I have the honour to state that the new works in progress are a Regulator and new Head sluice for the main canal. The object of the new works is to prevent sand choking ~~to~~ the main canal as is the case at present. This being so the flow of the new Regulator is at river bed level; the sill of the new head sluice being the same as that of the present sluice. In order to put in the founds of the Regulator it is necessary to prevent the water flowing over the anicut immediately in front of the new works and the bund referred to has been erected with other bunds to divert water to the rear of the new works. As regards the height of the bund it is certainly not 6 feet above the old cre level. That however is a minor point. The effect of it is to divert all water over the left flank of the anicut and through the present scouring sluices. We have not in consequence of these works affecte the quantity drawn into the main canal which is under effective control. As for the object alleged in para 6, it is false to say that we are depriving the plaintiffs of an important piece of evidence, firstly, because plans of the works as they exist are already deposited in Court, and, secondly, because it is obvious to any one of the meanest intellectual capacity that the existing works cannot be permanently interfered with until the new works are completed; which, from the nature of the work, cannot be done for at least two years without interfering with our own interests, meanwhile, the present system must continue and there has been no alteration beyond temporarily making more use of the left flank of the anicut. I may perhaps inform you that I have already, quite apart from this motion, given orders for work to cease during this month on account of the water in the river and that the bund will be removed by the first September, if not before.

2. [illegible] have no papers in my office excepting a telegram or[illegible]
me to start work. But the object of the works is as stated.

(Sd) A. Upendra Pai

For Collector

Madura Collector's Office,

August 1902.

[illegible]

C.M.P. No. 251 of 1902

O.S. No. 22 of 1901

R. Fischer and others ---------------Plaintiffs

-vs-

The Secretary of State for India in Council-- Defendant

Petition presented on behalf of the 1st Plaintiff section 492, Civil Procedure Code.

1. That the case for the Plaintiffs in the above-said suit that the defendant has wrongfully and illegally put up a new construction on the old Peranai dam thereby causing an obstruction to the natural flow of water in the Vaigai and has mate -ly diminished the usual flow of water for the use of the lo riparian proprietors.

2. That it has been therein prayed among other reliefs tha (1) the defendant be declared to have no right to increase th original height of the dam or put any new structure on the original crest level of the Peranai;

(11) the defendant be permanently restrained by an injunction from all interference with the dam or its original crest level

3. That subsequent to the settlement of issues in the above case the defendant has put up a bund of about 3¾ feet in height above the falling shutters and the masonry constructions already constructed over the original crest level of the Peranai thus increasing the height of the turf bund to about 6 feet on the old crest level.

4. That the said turf bund prevents the water flowing even over the falling shutters and that the said shutters are imbedded and immovably fixed in the said turf bund.

5. That new works are being carried on in the bed of t Vaigai just below the Peranai almost right across the river f the old scouring sluice to the bank opposite and that a portio of the foundation of the new construction has been laid and th work is being rapidly pushed through.

of the turf bund and the new works subsequent to the settlem of issues appears to be to alter the existing state of things and to deprive the plaintiffs of the advantage of an importan piece of evidence.

7. That it is unfair on the part of the defendant to carry on works affecting the subject matter of the suit during the pendency of the said suit.

8. That there have been freshes in the Vaigai since the settlement of issues in the case and the flow of water has been obstructed to a much larger extent by the turf bund recently put up by the defendant.

9. That a temporary injunction is absolutely necessry for maintaining the statu quo pending the suit.

10. That unless a temporary injunction is issued restraining the defendant from pushing on with the new works at the Peranai the Plaintiffs will be at a very great disadvantage in proving their case.

11. That the new works recently put up by the defendant are productive of irreparable loss and serious injury to the Plaintiffs.

12. That an affidavit of M. Dorasawmi Pillai, an Overseer in the service of the first Plaintiff, who was specially deputed by the 1st Plaintiff to see the existing state of thi at the Peranai, is herewith produced in support of the allegations in the Petition.

It is therefore prayed that this Honourable Court ma be pleased to issue a temporary injunction restraining the defendant from pushing on with the works at Peranai.

(Sd) M. Madhu Aiyar

(,,) V. Bashyachari

As the suit remains posted for hearing on the 10th instant, I have had copies made & signed for the S.E. & the E.E. for despatch from Madras without delay. Please arrange to have the order numbered by W's office and issued. If, however, the numbering is likely to be delayed by W's office I would request that the order may be despd at once & the number commd afterwards.

Please also send the paper to D.D. after issue.

~~Supdt~~.

a.e.n.
1.9.02

[illegible]
3/[illegible]

Sup.

Please arrange to have these signed copies despd by this evening's mail train. E's copy has to be prepared

[illegible] the [illegible] in reply

3/9/13

[illegible] for [illegible] the 10th

authority I have had copies
typed
made ^ for the S.S. & the [illegible]

for despatch from Madras

without delay. Please arrange

to have the order numbered

in N's office and issued.

If however the numbering is

likely to be delayed by [illegible]

I would request that the order

may be issued at once &

the number communicated afterwards.

Please also send the

[illegible] to O.S. of the issue.

[illegible]

[illegible]

1-9-02

C.F. 73.

DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / **Miscellaneous** / Routine No. 622, dated 7-6- 19 24.

Date taken out.	For what purpose. Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
		Confdl				

CONCERNS BOTH BRITISH INDIA AND INDIAN STATES.

Kept in separate bundle

Restored
24/1/64

10/6/98 for CNO 16536/86/97 Bey

Restored ON: 16-6-98 BH.

C.F .73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			